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July 18, 2023

BY ECF

The Honorable Jesse M. Furman
United States District Court for the Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

RE: *Simply Clean Air & Water, Inc. v. The Rogosin Institute, Inc. No. 23-cv-00699*

Dear Judge Furman:

On behalf of Defendant The Rogosin Institute, Inc. and at the request of Plaintiff Simply Clean Air & Water, Inc., I write to request that Your Honor refer the above-referenced action to the Court's mediation program and enter a stay of all remaining deadlines in the *Case Management Plan and Scheduling Order* (the "CMP") dated April 27, 2023 (Dkt. No. 23) pending the outcome of the mediation.

In support of this request, the parties jointly state that they have exchanged initial disclosures, LR 33.3(a) interrogatory responses, and production of documents. The parties have conferred and believe that mediation through the Court's mediation program at this stage of the proceedings – and prior to completion of discovery – is appropriate. While the parties jointly consent to mediation, they also request the Court to stay all remaining deadlines in the CMP to allow time for the parties to complete discovery should the case not resolve through mediation.

Thank you for your consideration and attention to this request for referral to mediation and stay of all remaining deadlines in the CMP.

Respectfully submitted,

/s/ Gina M. McCreadie

Gina M. McCreadie

The application to stay is DENIED. The parties may request an extension of the discovery deadlines but the Court will not indefinitely stay all deadlines. By separate Order, the Court will refer to the parties to mediation. The Clerk of Court is directed to terminate ECF No. 24.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Jason C. Kravitz", written over the text "SO ORDERED." and the date "July 18, 2023".

July 18, 2023

cc: Cassandra Porsch, counsel for Plaintiff Simply Clean Air & Water, Inc. (by ECF)
Jason C. Kravitz, counsel for Defendant Rogosin Institute, Inc. (by ECF)